

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

LIANG YANG, Individually and on behalf of
all others similarly situated,

Plaintiff,

v.

TRUST FOR ADVISED PORTFOLIOS,
INFINITY Q CAPITAL MANAGEMENT,
LLC, CHRISTOPHER E. KASHMERICK,
JOHN C. CHRYSTAL, ALBERT J. DIULIO,
S.J., HARRY E. RESIS, RUSSELL B. SIMON,
LEONARD POTTER, and JAMES
VELISSARIS,

Defendants.

Civil Action No. 1:21-cv-01047-FB-RLM

CLASS ACTION

**STIPULATION AND [PROPOSED] ORDER REGARDING
TIME TO RESPOND TO COMPLAINT**

Plaintiff Liang Yang (“Plaintiff”), and Defendants Trust for Advised Portfolios, Infinity Q Capital Management, LLC, Christopher E. Kashmerick, John C. Chrystal, Albert J. DiUlio, S.J., Harry E. Resis, Russell B. Simon, and Leonard Potter (collectively, “Defendants”), by and through their undersigned counsel, subject to this Court’s approval, agree and stipulate as follows:

RECITALS

WHEREAS, on February 26, 2021, Plaintiff filed a putative class action complaint against the Defendants asserting claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5 promulgated thereunder (the “Complaint”);

WHEREAS, the claims asserted in the Complaint in this action are governed by the Private Securities Litigation Reform Act (the “PSLRA”), 15 U.S.C. § 78u-4 *et seq.*, which provides a

procedure for the appointment by the Court of lead plaintiff(s) and lead counsel to represent the putative class pursuant to motion(s) due to be filed by April 27, 2021;

WHEREAS the parties agree that efficiency for the Court and the parties in proceeding under the PSLRA dictates that responding to the current Complaint should be deferred in light of the foregoing;

WHEREAS, the Defendants have each agreed to accept service of the Complaint subject to the terms and conditions of the stipulation below; and

WHEREAS, this is Defendants' first request for an extension of time to answer, move against, or otherwise respond to the Complaint, and this extension will not affect any other scheduled dates.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for Plaintiff and the attorneys for the Defendants, as follows:

1. The undersigned counsel for the Defendants are authorized to accept, and hereby do accept, service of the Summons and the Complaint in the above-captioned action on behalf of each of the Defendants, without prejudice and without waiver of any defenses, objections, or arguments in this matter or any other matter, including without limitation any arguments regarding personal jurisdiction or venue, except as to sufficiency of service of process of the Summons and Complaint.

2. Defendants' time to answer, move against or otherwise respond to any complaint in this action is stayed pending appointment of a lead plaintiff and the filing of an amended complaint.

3. Upon entry of an order appointing lead plaintiff(s) and lead counsel in the above captioned action (or a consolidated action encompassing the above-captioned action) pursuant to the PSLRA, the lead plaintiff(s) and the Defendants shall confer regarding a schedule for the filing

of an amended complaint and any response thereto, and will promptly submit a joint proposal or competing proposals for the Court's consideration.

4. The parties have not requested any prior extensions of time and are not seeking an extension for purposes of delay.

5. This Stipulation may be executed in separate counterparts, and counterparts may be executed by e-mail or facsimile, each of which shall be an original.

Dated: New York, New York
March 26, 2021

MILBANK LLP

By: /s/ Sean M. Murphy

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Attorneys for Plaintiff Liang Yang

SO ORDERED

Dated: New York, New York

_____, 2021

ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE